IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 247 OF 2005

Suresh Popat Jadhav .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri S.B. Shetye for the Applicant.
Shri K.V. Saste, APP for Respondent State.

CORAM : A.M.KHANWILKAR, J.
DATED : JANUARY 27, 2005

PC :-

. Heard learned counsel for the parties.

2. Indeed counsel for the applicant may be justified in finding fault with the opinion recorded by the court below in para -10 that ill treatment and beating of accused Suresh was the direct and immediate cause for Ujjawala to commit suicide. However, in my opinion, even if that finding was to be ignored no different conclusion can be arrived at in the fact situation of the present case. The evidence clearly indicates the nature of ill-treatment meted out to the deceased after the marriage mainly on account of dowry demand. As the death has occurred just within 14 months from the date of marriage there is legal

presumption which will have to be rebutted at the trial. In view of the evidence on record, indicating complicity of the applicant and the seriousness of the offence, not a case for bail. I am conscious of the fact that two accused have been released on bail. But so far as, the applicant is concerned, being husband of the deceased and there is direct material to indicate his complicity, he cannot be released on bail. Hence, rejected.

3. The District and Sessions Judge, Nasik is directed to assign the case to Fast Track Court if already not assigned, to ensure early disposal of the trial.

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